

Gregory P. Joseph (GP-1210) ([gjoseph@josephnyc.com](mailto:gjoseph@josephnyc.com))  
Mara Leventhal (ML-1218) ([mleventhal@josephnyc.com](mailto:mleventhal@josephnyc.com))  
GREGORY P. JOSEPH LAW OFFICES LLC  
485 Lexington Avenue, 30th Floor  
New York, New York 10017  
Tel: (212) 407-1200  
Fax: (212) 407-1299

SCANNED

*Attorneys for Defendant Eugene N. Melnyk*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

BIOVAIL CORPORATION,  
EUGENE N. MELNYK,  
BRIAN CROMBIE,  
JOHN MISZUK, and  
KENNETH G. HOWLING,

Defendants.  
-----

08 CIV 02979 (LAK)  
ECF CASE

**MOTION TO ADMIT  
COUNSEL PRO HAC  
VICE**

S.D. OF N.Y.

FILED  
U.S. DISTRICT COURT  
S.D. OF N.Y.  
APR 14 PM 1:30  
2008

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts  
the Southern and Eastern Districts of New York, I, Mara Leventhal, attorney for defendant  
Eugene N. Melnyk in the above captioned matter and a member in good standing of the bar of  
this Court, hereby move upon my accompanying declaration, submitted herewith, for an Order  
allowing the admission pro hac vice as counsel for Mr. Melnyk of:

Benjamin S. Haley  
Covington & Burling LLP  
1201 Pennsylvania Avenue, NW  
Washington, DC 20004-2401  
Tel: 202-662-5194  
Fax: 202-778-5194  
[bhaley@cov.com](mailto:bhaley@cov.com)

APR 14 2008  
6977408 825

Benjamin S. Haley is a member in good standing of the Bars of the District of Columbia and the State of Maryland. There are no pending disciplinary proceedings against Mr. Haley in any State or Federal court.

Dated: April 14, 2008  
New York, NY

Respectfully Submitted,

GREGORY P. JOSEPH LAW OFFICES LLC

By: 

Mara Leventhal (ML-1218)

485 Lexington Avenue, 30th Floor  
New York, New York 10017  
Tel: (212) 407-1200  
Fax: (212) 407-1299

*Attorneys for Defendant Eugene N. Melnyk*

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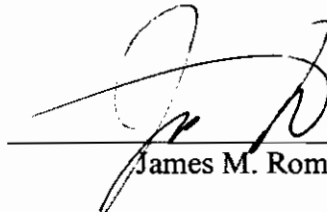
David M. Becker  
Shawn H. Chen  
Robin M. Bergen  
Cleary Gottlieb Steen & Hamilton LLP

2000 Pennsylvania Avenue, NW  
Washington, DC 20006-1801  
Tel: (202) 974-1500  
*Attorneys for Defendant Brian Crombie*

Bruce Hiler  
Jodi Avergun  
Cadwalader, Wickersham & Taft LLP  
1201 F Street, NW  
Washington, DC 20004  
Tel: (202) 862-2200  
*Attorneys for Defendant John Miszuk*

Carmen J. Lawrence  
Michael J. Rivera  
Fried, Frank, Harris, Shriver & Jacobson LLP  
One New York Plaza  
New York, NY 10004-1980  
Tel: (212) 859-8000  
*Attorneys for Defendant Kenneth G. Howling*

Executed: New York, New York  
April 14, 2008



James M. Rome

Gregory P. Joseph (GP-1210) ([gjoseph@josephnyc.com](mailto:gjoseph@josephnyc.com))  
Mara Leventhal (ML-1218) ([mleventhal@josephnyc.com](mailto:mleventhal@josephnyc.com))  
GREGORY P. JOSEPH LAW OFFICES LLC  
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New York, New York 10017  
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Fax: (212) 407-1299

*Attorneys for Defendant Eugene N. Melynk*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,	:
	:
Plaintiff,	:
	:
-against-	: 08 CIV 02979 (LAK)
	: ECF CASE
	:
BIOVAIL CORPORATION,	: <b>DECLARATION OF</b>
EUGENE N. MELNYK,	: <b>MARA LEVENTHAL</b>
BRIAN CROMBIE,	: <b>IN SUPPORT OF</b>
JOHN MISZUK, and	: <b>MOTION TO</b>
KENNETH G. HOWLING,	: <b>ADMIT COUNSEL</b>
	: <b>PRO HAC VICE</b>
Defendants.	:
-----	X

I, Mara Leventhal, declare pursuant to 28 U.S.C. § 1746 that:

1. I am a Partner at Gregory P. Joseph Law Offices LLC, attorney for defendant Eugene N. Melnyk in the above-captioned matter. I am familiar with the proceedings in this case. I make this declaration based on my personal knowledge of the facts set forth herein and in support of the accompanying motion to admit Benjamin S. Haley as counsel for Mr. Melnyk pro hac vice.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice in 1995. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Mr. Haley since March 2008. Mr. Haley is an associate at Covington & Burling LLP in Washington, DC. I have found Mr. Haley to be a skilled attorney and a person of integrity. Mr. Haley is experienced in Federal practice and is familiar with the Federal Rules of Procedure. There are no pending disciplinary proceedings against Mr. Haley in any State or Federal Court.

4. I am pleased to move Mr. Haley's admission, pro hac vice, to this Court.

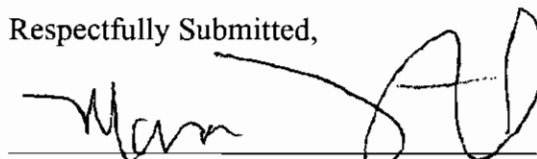
5. A true and correct copy of Mr. Haley's Certificate of Good Standing from the bar of the District of Columbia is respectfully submitted herewith as Exhibit A.

6. A true and correct copy of Mr. Haley's Certificate of Good Standing from the bar of the State of Maryland is respectfully submitted herewith as Exhibit B.

7. A proposed order granting the admission of Benjamin S. Haley, pro hac vice, is respectfully submitted herewith as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 14, 2008.

Respectfully Submitted,



Mara Leventhal (ML-1218)



**District of Columbia Court of Appeals**  
**Committee on Admissions**  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

BENJAMIN S. HALEY

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was on the 15<sup>TH</sup> day of SEPTEMBER, 2006  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on April  
10, 2008.

GARLAND PINKSTON, JR., CLERK

By: M. Charles  
Deputy Clerk

**Court of Appeals  
of Maryland  
Annapolis, MD**



***CERTIFICATE OF GOOD STANDING***

***STATE OF MARYLAND, ss:***

*I, Bessie M. Decker, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the fourteenth day of December, 2005,*

**Benjamin Sherwood Haley**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

***In Testimony Whereof, I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
tenth day of April, 2008.***

*Bessie M. Decker*

***Clerk of the Court of Appeals of Maryland***



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

BIOVAIL CORPORATION,  
EUGENE N. MELNYK,  
BRIAN CROMBIE,  
JOHN MISZUK, and  
KENNETH G. HOWLING,

Defendants.  
----- X

:  
:  
:  
: 08 CIV 02979 (LAK)  
: ECF CASE  
:

: **ORDER FOR**  
: **ADMISSION PRO HAC**  
: **VICE ON WRITTEN**  
: **MOTION**  
:  
:  
:

Upon the motion of Mara Leventhal, attorney for defendant Eugene N. Melnyk, and said sponsor attorney's declaration in support;

**IT IS HEREBY ORDERED** that

Benjamin S. Haley  
Covington & Burling LLP  
1201 Pennsylvania Avenue, NW  
Washington, DC 20004-2401  
Tel: 202-662-5194  
Fax: 202-778-5194  
[bhaley@cov.com](mailto:bhaley@cov.com)

is admitted to practice pro hac vice as counsel for Mr. Melnyk in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. Because this action has been assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: April \_\_, 2008  
New York, NY

---

UNITED STATES DISTRICT JUDGE

610494

David M. Becker  
Shawn H. Chen

Robin M. Bergen  
Cleary Gottlieb Steen & Hamilton LLP  
2000 Pennsylvania Avenue, NW  
Washington, DC 20006-1801  
Tel: (202) 974-1500  
*Attorneys for Defendant Brian Crombie*

Bruce Hiler  
Jodi Avergun  
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1201 F Street, NW  
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Tel: (202) 862-2200  
*Attorneys for Defendant John Miszuk*

Carmen J. Lawrence  
Michael J. Rivera  
Fried, Frank, Harris, Shriver & Jacobson LLP  
One New York Plaza  
New York, NY 10004-1980  
Tel: (212) 859-8000  
*Attorneys for Defendant Kenneth G. Howling*

Executed: New York, New York  
April 14, 2008

  
James M. Rome